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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/576,704	05/22/2000	Charles J. Kulas	CJK-3	2737
36707	7590	05/17/2004	EXAMINER	
CHARLES J. KULAS 651 ORIZABA AVE. SAN FRANCISCO, CA 94132			LEHNER, WILLIAM P	
			ART UNIT	PAPER NUMBER
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DATE MAILED: 05/17/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/576,704	KULAS, CHARLES J.
	Examiner William P Lehner	Art Unit 2671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-18, 31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-18, 31 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 5/22/00 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>3.4</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-18 and 31, drawn to camera tracking system, classified in class 345, subclass 427.
 - II. Claims 19-23, drawn to gait animation, classified in class 345, subclass 473.
2. III. Claims 24-30, drawn to lip animation, classified in class 704, subclass 260.
3. The inventions are distinct, each from the other because:
4. Inventions I-III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. See MPEP § 806.05(d).
5. The camera tracking invention has utility separate from the gait animation and lip animation inventions such as camera tracking through environment where there is no gait or lip animation.
6. The gait animation invention has utility separate from the camera tracking system as shown in a video game that only allows for one viewpoint. The gait animation invention has utility separate from the lip animation invention as shown in a video game without speaking characters.

7. The lip animation invention has utility separate from the camera tracking system and the gait animation invention as shown in a speaking face in a chat program where there is not gait animation or camera tracking.

8. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

9. During a telephone conversation with Charles Kulas on 5/6/04 a provisional election was made with traverse to prosecute the invention of camera tracking system, claim 1-18 and 31. Affirmation of this election must be made by applicant in replying to this Office action. Claims 19-30 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Priority

10. Priority is granted to provisional application 60/135,207 filed May 21, 1999.

Claim Rejections - 35 USC § 102

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

12. Claims 1, 17, and 31 are rejected under 35 U.S.C. 102(e) as being anticipated by Allport (6097441).

13. In regard to claim 1, A method for providing a visual production on a computer system includes a processor executing a rendering engine to produce images on a display wherein the computer is coupled to a network, wherein a data source is also coupled to a network so that data can be transferred from the data source to the computer system via the network. Allport describes a data source 95 coupled through a network 100 to a base station 75 and a display 80 (FIG 2). The base station corresponds to a computer system and a rendering engine because it has input, displays output, and has a processor (FIG 3, element 155). This system may be used for video games where either the outside data source or the base station / computer system does the processing to provide the views (column 10, lines 55-65).

14. Transferring camera control commands from the data source to the computer system; and changing the view of a scene being rendered in the computer system in response to camera control commands . A user may request through remote control to provide another view of the virtual world of a video game. This is a camera control command. The base station may satisfy this request by retrieving the data from the Internet (column 10, lines 55-62). The video game may be a multi-player game, and a user may choose to view from the second person perspective of another player (column 7, lines 11-21). In this situation,

the camera control commands of the second user are transferred over the Internet data source to the first user.

15. In regard to claim 17, A control program embodied on a computer-readable medium for controlling a rendering engine, the control program including one or more instructions for specifying a camera position in relation to an object in the scene.

Programmable software controls Allport's devices (column 8, lines 52-54). These devices specify camera positions. Note the computer readable media (FIG 3, element 210).

16. In regard to claim 31, A method of creating an electronic presentation, the method comprising sending control information over a network to control a rendering engine executing on a processor coupled to the network. See claim 1. To produce an animated sequence of images. Video games are animated sequences of images.

Claim Rejections - 35 USC § 103

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. Claims 2, 4, and 9-16 rejected under 35 U.S.C. 103(a) as being unpatentable over Allport (6097441) in view of Berner (5977967).

19. In regard to claim 2, The method of claim 1, further comprising the steps of associating a name with an object in the scene; and using the name to define a camera position to render the scene. Allport switches the camera between players in a game (column 7, lines 10-35) and between attendees in a video conference (column 5, lines 5-7), but does not associate names with objects in the scene. Berner describes a video conferencing system that will switch the view between a set of cameras associated with chair objects. Berner teaches associating a name and coordinates to objects in the scene such as "CHAIR 1" (Berner, column 4, lines 20-34) because this allows a user to switch to a specific camera. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Allport to associate a name with an object as taught by Berner because it allows the user to switch to a specific camera.

20. In regard to claim 4, A method of controlling a rendering engine executing on a digital processor, accepting signals from a user input device to specify a camera position using text Allport accepts signals from a keyboard which is a user input device (Allport, column 7, lines 30-35) but does not teach using text to specify a camera. Berner teaches using text (column 3, lines 55-60) because text represents the cameras' names and positions. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Allport to use text to specify a camera position as taught by Berner

because this allows the user to switch to a specific camera. And sending an indication of the specification to the rendering engine. Input is sent to the base station / rendering engine (Allport, FIG 2, element 115). This input allows the display to change the view discussed with claim 1.

1. In regard to claim 9, The method of claim 4, wherein the step of sending uses a network. The link between the base station and the remote control is a network because the remote control has an RF antenna in addition to the IR transmitter for two-way communication (Allport, column 15, lines 12-28).
2. In regard to claim 10, The method of claim 4, accepting signals from a user input device to specify a camera position using math coordinates. Allport does not have coordinates. Berner teaches associating a name and coordinates to objects in the scene that correspond to cameras (column 4, lines 20-34). These coordinates indicate a camera's position in x, y, and z dimensions, so they can be read as math coordinates. Math coordinates allow greater control over the position of the camera because the camera would not be tied to a particular object. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Allport to use math coordinates as taught by Berner because this allows the user to switch to a specific camera.
3. In regard to claim 11, The method of claim 4, wherein the text includes a reference to an object in a scene. Allport does not use text to specify a camera. Berner teaches associating a name in text to reference objects in the scene such as "CHAIR 1" to reference a camera pointed at a person sitting in that

chair (Berner, column 4, lines 20-34). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Allport's video conferencing method to use text to refer to the name of a person's chair or the name of a person as taught by Berner because this allows the user to switch to a camera pointed at a specific object or person.

4. In regard to claim 12, The method of claim 11, setting the camera position substantially at the object's position. Allport's video game may be in first person perspective (column 7, lines 16-18). The camera would be substantially at the character's position.

21. In regard to claim 13, The method of claim 12, comprising omitting rendering of the object. In first person perspective, the user's character is not rendered (Official Notice).

22. In regard to claim 14, The method of claim 11, further comprising setting the camera position adjacent to the object's position. Allport describes a third person shot usually focused on the character played by the user, and it may be a close up shot (column 7, lines 21-27). The camera would not be at the user's position because it is third person. The camera would be adjacent to the user's character because it is close up of the user's character.

23. In regard to claim 15, The method of claim 11, wherein the object position is changing, the method further comprising setting the camera position adjacent to the object's position. Characters move in video games. Allport's perspectives of first person, second person, or third person

focusing on the user's character would all set the camera position to correspond to the position of moving characters.

24. In regard to claim 16, The method of claim 11, wherein the object includes parts having positions, the method further comprising setting the camera position relative to one or more positions.

Parts of objects are objects themselves. They would have their own names and cameras could be placed at them as taught by Berner. A video game character may be holding a sniper rifle where the rifle is either part of the character or a separate object.

Sniper rifles allow aiming through a scope that provides a new camera position different from the character's normal camera position (Official Notice). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Allport and Berner to set a new camera position at a part of an object as taught by Official Notice because it allows a sniper to aim.

25. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Allport (6097441) in view of Maeng (6707489). A method for providing commands to control a rendering engine to produce a visual display in a computer system, the computer system including a processor See claim 1. Coupled to a display device, Note the coupled TV (Allport, FIG 2).

26. The processor executing instructions to animate an object within a simulated scene for display, the computer system coupled to a network, using the processor to receive a command

from the network to animate an object in the scene, The base station retrieves data from the Internet to animate the scene (Allport, column 10, lines 59-60).

27. Using the processor to computer a default camera view wherein the animated object is included in the default camera view. Allport's method is also used in video conferencing (column 5, lines 5-6). Allport does not have a default view. Maeng teaches a camera view that automatically points and tracks the source of sound for video conferencing (Maeng, column 3, lines 59-63). The speaker is the animated object that is included in the shot, even if he/she moves about. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Allport to have a default view as taught by Maeng because a user does not have to change the view to focus on the speaker.

28. Claims 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allport (6097441) in view of Berner (5977967) in further view of Maeng (6707489).

5. In regard to claim 5, The method of claim 4, using a default area in a scene to determine a camera pointing direction. Allport does not have a default area. Maeng teaches a default camera viewing area that automatically points and tracks the source of sound (column 3, lines 59-60). The default area includes all that is in the automatic camera's view. It would have been obvious to modify Allport's video conferencing method to use a default area that determines a camera pointing direction as taught by Maeng because a user does not have to change the view or the camera direction.

6. In regard to claim 6, The method of claim 5, wherein the step of using a default camera area includes a substep of determining an action area where action in the scene is occurring; defining the default area to include at least a portion of the action area. Speaking is an action, Maeng teaches automatically pointing the camera to include the area of the speaker. The camera controller determines whether the camera needs to be moved (Maeng, column 6, line 57 – column 7, line 8).
7. In regard to claim 7, The method of claim 6, wherein the action area includes object movement. The camera tracks the speaker who may move (Maeng, column 6, line 57 – column 7, line 8).
8. In regard to claim 8, The method of claim 7, wherein the action area includes character speaking movements. The cameras track a speaker (Maeng, column 1, lines 10-15).
9. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Allport (6097441) in view of Webber (6671690). A data signal embodied in a carrier wave comprising one or more instructions for specifying a camera position in relation to an object in a scene. Allport specifies camera positions in relation to an object and sends camera signals over the Internet, but does not teach a carrier wave. Webber teaches embodying the data signal in a carrier wave (Webber, column 5, lines 17-25) because that is a medium capable of sending instructions. Therefore, it would have been obvious to one of ordinary skill in

the art at the time the invention was made to modify Allport to use a carrier wave as taught by Webber because it is capable of sending instructions.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William P Lehner whose telephone number is 703-305-0682. The examiner can normally be reached on 8:30 - 5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Zimmerman can be reached on 703-305-9798. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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